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Date of Signature and Deposit: April 3, 2002

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PATENT

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Applicants: Richard L. Atkinson
Nikhil V. Dhurandhar

Date: April 3, 2002 **TECH CENTER 1600/2900**

Serial No.: 09/619,117

Examiner: A. Salimi

Filed: 07/19/2000

Art Unit: 1648

Title: VIRAL OBESITY METHODS
AND COMPOSITIONS

Our Ref: 710395.90010

RESPONSE

Commissioner for Patents
Box RCE
P O Box 2327
Arlington, VA 22202

Sir:

By an Office Action dated October 3, 2001 in the file of the above-identified application, the Patent and Trademark Office rejected this application. By this response, the applicants request reconsideration of that rejection.

In the Office Action, the Examiner imposed a requirement for restriction. It is believed that this requirement for restriction is procedurally too late in the prosecution of this application to be appropriate. It is believed that the claims are all properly directed to the same invention and that the search and examination of this application should include the subject matter of all of the claims pending in the application.

In the Office Action the Examiner rejected Claims 2 and 3 under §112, second paragraph, on the grounds of non-enablement. The Examiner contends that the full details of the methodology are not contained in the claim. The applicants strenuously disagree.

What the Examiner has ignored is the state of the art generally known to those of skill in the art. The techniques of molecular biology and biological medicine have advanced to the